

Section 6030 - Response Funding

In the event of a oil spill or the release of a Hazardous Material, the Responsible Party must insure that there are sufficient funds available to support the response efforts. The cost of a response includes that of the Responsible Parties Cleanup Contractor, members of the Responsible Parties Response Management Team and Government (State and Federal) activities.

Useful References:

Technical Operating Procedures for Resource Documentation
National Pollution Fund Center - January 1995

Technical Operating Procedures for State Access
National Pollution Fund Center - November 1992

Federal Water Pollution Control Act (FWPCA)
Title 33 United States Code (USC) Section 1251 et seq

Oil Pollution Act (OPA) of 1990
Public Law 101-380, August 18, 1990

National Contingency Plan (NCP)
Title 40 Code of Federal Regulations (CFR) Part 300

Comprehensive Environmental Response, Compensation
and Liability Act (CERCLA)
Title 42 United States Code (USC) Section 9601 et seq

If a Responsible Party can not be identified or if the responsible party is not taking sufficient or timely action, the Federal On-Scene Coordinator can access either the Oil Spill Liability Trust fund (for an oil spill) or the CERCLA Superfund (for a Hazardous Material Response) and initiate cleanup actions. If the responsible party is identified they can either assume the costs of the response or they will be liable to the U.S. Government for the costs of the response.

National Pollution Funds Center

The National Pollution Funds Center (NPFC) is Administrator of the Oil Spill Liability Trust Fund (OSLTF), established by the Oil Pollution Act of 1990. A major mission of the NPFC is the recovery of costs from responsible parties for removal activities required in response to an oil pollution incident.

The NPFC is the point of contact for the U.S. Coast Guard's access to CERCLA's Superfund. The Fund Center coordinates all fund related issues between the Environmental Protection Agency and the Coast Guard's Marine Safety Office.

Documentation and Cost Recovery

The procedures for cost documentation and recovery are outlined in NPFC Technical Operating Procedure for Resource Documentation. This instruction documents the documentation process and procedures used by the U.S. Coast Guard to account for response activities. Organizations involved in removal activities that require reimbursement from the OSTLF may make use of these procedures, or request NPFC approval of alternate resource documentation. The requirements for response documentation for both Oil Spills and Hazardous Material discharges are identical.

Federal OSC Response Funding

Both the Oil Spill Liability Trust Fund and the Comprehensive Environmental Response, Compensation and Liability Act's Superfund can be used by the Federal OSC to pay for the federal response to an incident.

The Federal OSC accesses the Oil Spill Liability Trust Fund by requesting a federal project number from Coast Guard District Fourteen (m). At the time of this request, the Federal OSC estimates the cost of the project, and a ceiling is established. Should the response go over that ceiling, a request must be made to D14(m) to increase the amount. Any estimates of \$25,000 or above must be submitted to MLC Pacific Area via D14(m).

In the event of an Hazardous Material Discharge, the Fund Center is directly contacted.

The Federal OSC is responsible for the disbursement and accounting for all response funds expended during a response.

Federal Agency Response Funding

The Federal OSC can fund Federal Agencies participating in a response. The agencies are issued a Pollution Removal Funding Authorization (PRFA). This document gives the federal agency a ceiling to operate under. Federal Agencies are required to follow the same cost documentation procedures used by the Federal OSC. If additional money is required the request must be made to the Federal OSC.

All requests for funds are made through the Federal OSC.

State Response Funding

State access to the fund is outlined in *the National Pollution Funds Center's Technical Operating Procedures for State Access*. The Technical Operating Procedures provide guidance to the Federal OSC and Coast Guard Districts concerning a State Governor's request for access to the Oil Spill Liability Trust Fund. The governor or a designated representative may request removal cost funding not to exceed \$250,000 for each incident consistent with the NCP.

Another method to pay for the cost of a States response is for the Federal OSC to issue a Pollution Funding Authorization (PRFA) for state response activities. The State is given a ceiling to operate under and, have to provide the same cost accounting and documentation required of a Federal Agency.

All requests for funds are made through the Federal OSC.

State access to CERCLA's Superfund is established by Memorandum of Understanding (MOU) between the Environmental Protection Agency and the State.

County Response Funding

Neither the Federal Water Pollution Control Act (FWPCA) nor the Oil Pollution Act (OPA) allow for direct county access to the Oil Spill Liability Trust Fund (OSLTF). Requests from a county are directed to the State Governor or a designated representative who will pass them to the Federal On-Scene Coordinator (OSC).

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